

LONG-SHOT DEFENSE PAYS OFF IN SMUGGLING TRIAL 6 NOVEMBER 1982ASSOCIATED PRESS WRITER BY KARL SWANSON

NEW YORK (AP) - A LONG-SHOT DEFENSE PAID OFF FOR FIVE MEN CAUGHT RED-HANDED WITH ILLEGAL WEAPONS INTENDED FOR THE IRISH REPUBLICAN ARMY. THEY CONVINCED A FEDERAL JURY THAT THE CIA WAS RESPONSIBLE.

"I THINK WE FIRMLY BELIEVED THAT THE OPERATION COULDN'T HAVE GONE ON THAT LONG WITHOUT GOVERNMENT SANCTION," JUROR THERESA DePAOLA SAID FRIDAY AFTER THE DEFENDANTS WERE ACQUITTED IN U.S. DISTRICT COURT.

NO EVIDENCE PRESENTED DURING THE TWO-MONTH TRIAL DIRECTLY TIED THE CIA TO THE GUNS; BUT REPEATED DEFENSE REFERENCES TO THE SPY AGENCY APPARENTLY CONVINCED THE JURORS.

"I'M SURE THAT THERE ARE MANY COVERT DEALS WHICH THE PEOPLE DO NOT KNOW ABOUT," JUROR LORRAINE PICCINONNO SAID. "THE CIA DOES MANY THINGS IN MANY PLACES."

THE CIA AND FEDERAL PROSECUTOR DAVID KIRBY DENIED THROUGHOUT THE TRIAL THAT THE NATION'S FOREIGN INTELLIGENCE COMMUNITY WAS IN ANY WAY CONNECTED WITH THE SMUGGLING PLAN OR WITH ANY PRINCIPALS IN THE RING. MICHAEL FLANNERY; 80; THOMAS FALVEY; 64; GEORGE HARRISON; 67; PATRICK MULLIN; 45; AND DANIEL BORNLEY; 33; ALL AMERICANS LIVING IN THE NEW YORK AREA; HAD BEEN CHARGED WITH ILLEGAL WEAPONS POSSESSION AND CONSPIRACY.

ON THE FIRST DAY OF THE TRIAL, THE DEFENDANTS ADMITTED THEY HAD AMASSED THE WEAPONS TO SHIP TO IRELAND. HARRISON SAID HE HAD BEEN SMUGGLING ARMS TO IRELAND FOR THE PAST 20 YEARS.

KIRBY HAD TOLD THE COURT HE EXPECTED THE DEFENDANTS TO ATTEMPT TO TURN THE CASE INTO A "POLITICAL TRIAL."

THE JURY'S ANNOUNCEMENT OF THE ACQUITTAL SET OFF LONG APPLAUSE AND CHEERS IN JUDGE JOSEPH McLAUGHLIN'S COURTROOM FROM MORE THAN 100 SPECTATORS AND SUPPORTERS OF THE DEFENDANTS WHO CROWDED IN EACH DAY OF THE TRIAL.

WITH THE TRAPPINGS AND EXUBERANCE OF A POLITICAL CONVENTION, SMALL AMERICAN FLAGS WERE BROKEN OUT AND WAVED. HARRISON LEAPED TO HIS FEET; THRUST HIS ARMS INTO THE AIR AND REPEATEDLY SCREAMED: "UP THE PROVOGS!" A REFERENCE TO THE MILITANT PROVISIONAL WING OF THE IRA. THE DEFENSE THEORY WAS THAT THE CIA AIDED THE SMUGGLING IN AN EFFORT